

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- ETHICON WAVE 5 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
--	---

**NOTICE OF ADOPTION OF PRIOR DAUBERT MOTION OF
DONALD R. OSTERGARD, M.D. FOR WAVE 5**

Defendants hereby adopt and incorporate by reference the *Daubert* motion filed against Donald R. Ostergard, M.D. for Ethicon Wave 3, Dkt. 2814 (motion) and Dkt. 2816 (memorandum in support). Defendants respectfully request that the Court exclude Dr. Ostergard's testimony for the reasons expressed in the Wave 3 briefing. This notice applies to the Wave 5 cases identified in Exhibit A attached here.

Respectfully submitted,

ETHICON, INC. and JOHNSON & JOHNSON

/s/ Rita A. Maimbourg

Rita A. Maimbourg
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5002
rita.maimbourg@tuckerellis.com

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)
THOMAS COMBS & SPANN PLLC
300 Summers St.
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
Telephone: 304.414.1807
dthomas@tcspllc.com

/s/ Christy D. Jones

Christy D. Jones
BUTLER SNOW LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
Telephone: 601.985.4523
christy.jones@butlersnow.com

CERTIFICATE OF SERVICE

I certify that on August 14, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Rita A. Maimbourg

Rita A. Maimbourg

TUCKER ELLIS LLP

950 Main Avenue, Suite 1100

Cleveland, OH 44113-7213

Telephone: 216.592.5000

Facsimile: 216.592.5002

rita.maimbourg@tuckerellis.com